

Application No.: 09/030394

Case No.: 51362US010

REMARKS

Claims 1, 22, and 25 have been amended. Claims 21, 23, and 24 had been previously canceled. Thus claims 1-20, 22, and 25-28 are currently pending in this application.

In applicants' Amendment mailed July 3, 2002, applicants argued that Burns et al. (Burns) did not disclose a filter cartridge that is capable of being readily separated from the cartridge receiving structure by pulling manually on it. In response to this argument, the Examiner cited a disclosure in Burns at column 5, lines 23-28. That disclosure is reproduced below for ease of reference:

Although the filter cartridge 28 is designed to remain permanently in place, it could be detachable from a platform which would be permanently snapped into each of the cheek apertures 26. The term "filter holder" is here used to encompass both a filter cartridge and a filter platform.

Applicants respectfully submit that this disclosure does not teach or suggest the present invention. This disclosure only indicates that the filter cartridge could be detachable from a platform. It does not state that the filter cartridge would have been capable of being readily separated from the cartridge receiving structure by manually pulling on it. The disclosure in Burns also does not provide an enabling disclosure of a structure that would allow such an operation to occur. Indeed, the structure that is disclosed in Burns would require two hands to secure the removal of the filter cartridge from the cartridge receiving structure. The removal would require that the locking tabs 29 be pressed inwardly using one hand while pulling on the cartridge with the other hand. Since there are multiple locking tabs that would have to be contemporaneously pressed inwardly, it is not clear that these steps could be accomplished manually without using additional tools.

Applicants have, however, amended the claims to clarify how the filter cartridge of the present invention can be quickly removed from the cartridge receiving structure. Support for this amendment can be found in the drawings and in the text of the specification at, for example, column 4, lines 28-34. This Amendment raises no new issues and therefore should be entered into the file.

Accordingly, applicants respectfully ask the Examiner to favorably reconsider the anticipation and obviousness rejections based on Burns. Applicants also urge the Examiner to consider Burns' failure to provide an enabling disclosure of the structure of the present invention.

Application No.: 09/030394

Case No.: 51362US010

As the Examiner is aware, a reference cannot anticipate or make obvious an invention when the reference does not provide any disclosure of how to make the inventive structure.¹ The record clearly shows that Burns does not teach a structure that allows the filter cartridge to be readily separated from the cartridge receiving structure by manually pulling thereon without additional manual manipulation.

Respectfully submitted,

March 24, 2003

Date

By: 

Karl G. Hanson, Reg. No.: 32,900

Telephone No.: (651) 736-7776

Office of Intellectual Property Counsel
3M Innovative Properties Company
Facsimile No.: 651-736-3833

¹ *In re Hockema*, 158 USPQ 596, 600 (CCPA 1968) ("There has been no showing by the Patent Office in this record that the claimed compound can exist because there is no showing of a known or obvious way to manufacture it; hence, it seems to us that the "invention as a whole," which section 103 demands that we consider, is not obvious from the prior art of record."); *In re Legrice*, 133 USPQ 365, 372 (CCPA 1962) ("We think it is sound law, consistent with the public policy underlying our patent law, that before any publication can amount to a statutory bar to the grant of a patent, its disclosure must be such that a skilled artisan could take its teachings in combination with his own knowledge of the particular art and be in possession of the invention.").